

REMARKS

The Examiner's Action dated April 23, 2003, has been received, and its contents carefully noted.

To advance prosecution, claim 1 has been amended to specify that the surface radiation assembly irradiates with electromagnetic radiation, claims 3 and 4 have been canceled, claims 6 and 7 have been amended to depend from claim 1, an informality noted in claim 10 has been amended to restore it to the form in which it was previously considered to be allowable, claim 11 has been amended to specify that the step of irradiating is performed with electromagnetic radiation, claim 12 has been canceled, and claims 13-16 and 19 have been amended to depend from claim 11.

In addition, the Specification has been amended to eliminate the error noted in section 1 on page 2 of the Action, and claim 10 has been amended to eliminate the typographical error noted in the Action. Please note, however, that the term "impotence" was not found in claim 1.

Accordingly, it is requested that the objections to the specification and claims be reconsidered and withdrawn.

The rejection of claims 1-20 as anticipated by Shadduck is respectfully traversed.

In order to advance prosecution, independent claim 1 has been amended to specify that the surface radiation assembly irradiates a region on the surface of the skin with electromagnetic radiation and independent method claim 11 has been amended to specify that the step of irradiating a region of the skin is performed with electromagnetic radiation. As a result of these amendments, all of the rejected claims now distinguish over the disclosure of Shadduck.

In the system defined in claim 1, electromagnetic radiation is used to treat the skin and the RF electrodes are only used to monitor temperature. Therefore, when the system determines, on the basis of the measurements performed by an electrical meter, that the skin temperature is too high, a parameter of the electromagnetic radiation is adjusted by the processor.

This arrangement clearly differs from that of Shadduck, which uses RF energy to treat the skin as well as to monitor temperature. Electromagnetic radiation is employed only to prime the tissue for the RF treatment. Therefore, when the Shadduck system determines from the electrical measurements that the skin temperature is too high, a parameter of the RF energy, and not of the electromagnetic radiation, is adjusted. This is specifically stated in the

reference at column 12, line 54 to column 13, line 12, which includes the statement "... a temperature pre-set capability that can terminate or modulate Rf delivery".

Rf? optical?
Accordingly, claim 1 distinguishes patentably over the applied reference by its recitations of an assembly that irradiates a region on the surface of the skin with electromagnetic radiation, and a processor configured to adjust the value of a parameter of the electromagnetic radiation based upon a measured electrical response to a voltage applied across the first and second electrodes.

Rf? or optical?
Similarly, claim 11 distinguishes patentably over the applied reference by its recitation of the steps of irradiating a region of the skin with electromagnetic radiation, and adjusting a value of a parameter of the electromagnetic radiation based upon the measured electrical response.

In addition, it is understood that in view of the amendments now made to claim 10, that claim is now in allowable condition.

Accordingly, it is requested that the prior art rejection be reconsidered and withdrawn, that all of the

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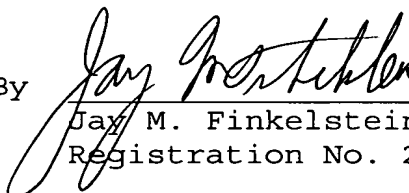
pending claims be allowed and that the application be found in allowable condition.

If the above amendment should not now place the application in condition for allowance, the Examiner is invited to call undersigned counsel to resolve any remaining issues.

Applicants respectfully request favorable reconsideration and allowance.

Respectfully submitted,

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